

# UNITED STATES BANKRUPTCY COURT

for the  
Southern District of New York

|   |   |                              |
|---|---|------------------------------|
| In re:  | ) |                              |
|   | ) |                              |
| <u>Trade and Commerce Bank (in Liquidation)</u> | ) | Case No. 05-60279 (SMB)      |
| <i>Debtor</i>                                   | ) |                              |
|   | ) |                              |
| <u>Richard Fogerty, As Joint Official</u>       | ) |                              |
| <u>Liquidator of Trade and Commerce Bank</u>    | ) | Chapter 15                   |
| <i>Plaintiff</i>                                | ) |                              |
|   | ) |                              |
| v.  | ) | Adv. Proc. No. 10-3611 (SMB) |
|   | ) |                              |
| <u>Kesten Development Corp.</u>                 | ) |                              |
| <i>Defendant</i>                                | ) | BC 10,0193                   |

## JUDGMENT BY DEFAULT

The defendant having been regularly notified by service of process and having failed to plead or otherwise defend, and the time for pleading or otherwise defending having expired according to law, and the default of the defendant having been duly entered on October 19, 2010.

Now therefore, upon application of the plaintiff, judgment is hereby entered against the defendant in favor of the plaintiff, as follows.

**IT IS ORDERED, ADJUDGED AND DECREED: that Default Judgment is entered against the Defendant, Kesten Development Corp., in the amount of \$15,936,369.**

Date: October 26, 2010

Vito Genna  
Clerk of Court

/s/ Anatin Rouzeau  
Deputy Clerk